

Atty. Dkt. No. 041673-2113

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gough, et al.

Title: TISSUE IMPLANTABLE  
SENSORS FOR MEASUREMENT  
OF BLOOD SOLUTES

Appl. No.: 10/698,911

Filing Date: 10/31/2003

Examiner:

Art Unit:

<p align="center"><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p align="center"><u>DIANE GARCIA</u> (Printed Name)</p> <p align="center"><u>Diane Garcia</u> (Signature)</p> <p align="center"><u>1-12-2004</u> (Date of Deposit)</p>
---

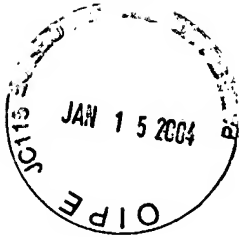
**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without*



*Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

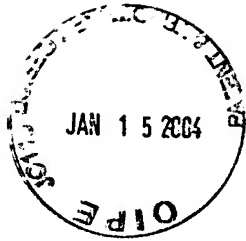
The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the filing date of the application.

#### **RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even



Atty. Dkt. No. 041673-2113

entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit  
Account No. 50-0872.

Respectfully submitted,

Date 1-12-04

By Stacy L. Taylor

FOLEY & LARDNER

Customer Number: 30542

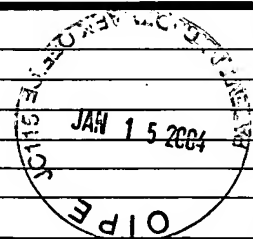
Telephone: (858) 847-6720

Facsimile: (858) 792-6773

Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/698,911</td> </tr> <tr> <td>Filing Date</td> <td>10/31/2003</td> </tr> <tr> <td>First Named Inventor</td> <td>David A. Gough</td> </tr> <tr> <td>Group Art Unit</td> <td></td> </tr> <tr> <td>Examiner Name</td> <td></td> </tr> <tr> <td>Attorney Docket Number</td> <td>041673-2113</td> </tr> </table>		Application Number	10/698,911	Filing Date	10/31/2003	First Named Inventor	David A. Gough	Group Art Unit		Examiner Name		Attorney Docket Number	041673-2113
Application Number	10/698,911																
Filing Date	10/31/2003																
First Named Inventor	David A. Gough																
Group Art Unit																	
Examiner Name																	
Attorney Docket Number	041673-2113																
Sheet	1	of	1														



### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	1	4,484,987		Gough	12-27-1984	
	2	4,650,547		Gough	03-17-1987	
	3	4,671,288		Gough	06-09-1987	
	4	4,890,620		Gough	01-02-1990	
	5	5,322,063		Allen et al.	06-21-1994	
	6	5,660,163		Schulman et al.	08-26-1997	
	7	2002/0156355		Gough	10-24-2002	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	8	Armour, et al., "Application of chronic intravascular blood glucose sensor in dogs." <i>Diabetes</i> , 39:1519-1526, 1990 •	
	9	Bremer, et al., "Benchmark data from the literature for evaluation of new glucose sensing technologies." <i>Diabetes Technol. Ther.</i> , 3:409-418 (2001) •	
	10	Choleau, et al., "Calibration of a subcutaneous amperometric glucose sensor Part 1. Effect of measurement uncertainties on the determination of sensor sensitivity and background current." <i>Biosens. Bioelectron.</i> , 17:647-654 (2002) •	
	11	Choleau, et al., "Calibration of a subcutaneous amperometric glucose sensor implanted for 7 days in diabetic patients Part 2. Superiority of the one-point calibration method." <i>Biosens. Bioelectron.</i> , 17:641-646 (2002) •	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.